IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 24292 of 1997

Between:

M.Ramachandra Rao, S/o late Sri Suryanarayana,

Aged 62 years, R/o Pallamarajunagar,

Kakinada, East Godavari District.

..... PETITIONER

AND

1. The Deputy Transport Commissioner,

East Godavari District at Kakinada.

2. The Motor Vehicles Inspector,

O/o the Deputy Transport Commissioner,

East Godavari District at Kakinada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of writ of Certiorari, by

calling for the records from the file of the 1st respondent in his R.No.34994/A1/96, dated 19.5.1997 demanding a sum of Rs.5,096/- for the quarter ending 31.12.1996 from the petitioner in respect of his vehicle A.P.5.x.248 and to quash it.

Counsel for the Petitioner:MR.T.VENKATA RAMANA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following ORDER: (per BN,J)

Nobody appeared for the respondents.

The writ petitioner has been charged with the liability of Rs.30,732/- on the ground that he plied the vehicle on unauthorized route. Since the allegation was that he was plying on unauthorized route, the rate of tax was changed by the first respondent as is evident from the notice dated 28-10-1996. The matter is covered by a larger bench judgment of this Court reported in **L.Royal Reddy and others vs. Government of Andhra Pradesh and others.**

Following the same, we set aside the order and give liberty to the respondents to proceed if they so desire against the petitioner for violation of the conditions of the permit.

The writ petition is accordingly allowed. No costs.

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(BILAL NAZKI, J)

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(S.ANANDA REDDY, J)

7th OCTOBER, 2004.

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To

1. The Deputy Transport Commissioner,

East Godavari District at Kakinada.

2. The Motor Vehicles Inspector,

O/o the Deputy Transport Commissioner,

East Godavari District at Kakinada.

3 Two CCs to the Government Pleader for Transport,

A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.